

**HONE LAW**

Eric D. Hone, NV Bar No. 8499  
ehone@hone.law  
Jamie L. Zimmerman, NV Bar No. 11749  
jzimmerman@hone.law  
Leslie A. S. Godfrey, NV Bar No. 10229  
lgodrey@hone.law  
Kathryn C. Newman, NV Bar No. 13733  
knewman@hone.law  
701 N. Green Valley Parkway, Suite 200  
Henderson NV 89074  
Phone 702-608-3720  
Fax 702-703-1063

*Attorneys for Plaintiff*

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

HOFBRÄUHAUS OF AMERICA, LLC, a  
Nevada limited liability company,

Plaintiff,

v.

OAK TREE MANAGEMENT SERVICES,  
INC., a Missouri corporation, WILLIAM  
GUY CROUCH, as Receiver for Oak Tree  
Management Services, Inc.,

Defendants.

Case No. 2-22-cv-00421-ART-DJA

**PLAINTIFF HOFBRÄUHAUS OF  
AMERICA, LLC'S UNOPPOSED  
MOTION FOR LEAVE TO FILE  
BRIEF IN EXCESS OF LOCAL  
RULE PAGE LIMITATIONS FOR  
REPLY IN SUPPORT OF  
EMERGENCY MOTION FOR  
PRELIMINARY INJUNCTION**

Pursuant to Local Rule 7-3(c), Plaintiff Hofbräuhaus of America, LLC ("Hofbräuhaus America"), by and through undersigned counsel, hereby respectfully requests leave to file the following brief in excess of the page limitations contained in Local Rule 7-3(b): Hofbräuhaus America's reply in support (the "Reply") of Its Emergency Motion for Preliminary Injunction [ECF No. 18] ("Motion for Injunction").

In support of this Motion for Leave, Hofbräuhaus America respectfully states as follows:

1. This is Hofbräuhaus America's first request for leave to file any pleading in excess of the page limitations contained in Local Rule 7-3(b).

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2. Hofbräuhaus America respectfully requests leave to file its Reply brief to be no longer than twenty-six (26) pages, exclusive of exhibits.

3. As set forth in the Eric D. Hone ("Hone Decl.") declaration attached hereto as **Exhibit 1**, good cause exists for an extension of these additional pages due to the complexity of the issues, both legal and factual, required to appropriately respond to Defendant William Guy Crouch, as Court-Appointed Receiver ("Receiver") for Oak Tree Management Services, Inc. ("Oak Tree") Response and Opposition [ECF No. 26] ("Response") to Hofbräuhaus America's Motion for Injunction, which consisted of a 45-page brief that referenced declarations and documents in two appendices of exhibits: First Appendix totaling 227 pages [ECF No. 11] and Second Appendix totaling 198 pages [ECF No. 28].

4. The undersigned counsel has conferred with counsel for the Receiver regarding the relief requested in this Motion for Leave and counsel for the Receiver has informed the undersigned counsel that they have no objection to the relief requested herein.

5. As required, Hofbräuhaus America will include a table of contents and a table of authorities if the Court permits it to file a longer Reply brief. Therefore, Hofbräuhaus America respectfully requests that the Court grant this Motion for Leave.

Dated this 13th day of May 2022.

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Henderson NV 89074

*Attorneys for Plaintiff*

**IT IS SO ORDERED.**

DATED: May 18, 2022

  
DANIEL J. ALBREGTS  
UNITED STATES MAGISTRATE JUDGE



**CERTIFICATE OF SERVICE**

The undersigned, an employee of Hone Law, hereby certifies that on the 13th day of May 2022, she electronically filed and served the foregoing with the Clerk of Court for the United States District Court for the District of Nevada using the CM/ECF system:



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Candice Ali, an employee of HONE LAW



# **EXHIBIT 1**

Declaration of Eric D. Hone

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OAK TREE MANAGEMENT SERVICES,  
INC., a Missouri corporation, WILLIAM  
GUY CROUCH, as Receiver for Oak Tree  
Management Services, Inc.,

Defendants.

Case No. 2-22-cv-00421

**DECLARATION OF ERIC D. HONE  
IN SUPPORT OF PLAINTIFF  
HOFBRÄUHAUS OF AMERICA,  
LLC'S UNOPPOSED MOTION FOR  
LEAVE TO FILE BRIEF IN  
EXCESS OF LOCAL RULE PAGE  
LIMITATIONS FOR REPLY IN  
SUPPORT OF EMERGENCY  
MOTION FOR PRELIMINARY  
INJUNCTION**

I, Eric D. Hone, hereby declare:

1. I am an attorney of record for Plaintiff Hofbräuhaus of America, LLC  
("Hofbräuhaus America") in the above-captioned matter. I am licensed to practice in the State of  
Nevada and I have personal knowledge of all facts addressed herein.

2. I make this declaration in support of Hofbräuhaus America's Unopposed Motion  
for Leave to File Brief in Excess of Local Rule Page Limitations for Reply in Support of  
Emergency Motion for Preliminary Injunction.

3. On April 26, 2022, Defendant William Guy Crouch, as Court-Appointed Receiver  
("Receiver") for Oak Tree Management Services, Inc. ("Oak Tree") filed a Response and



1 Opposition [ECF No. 26] (“Response”) to Hofbräuhaus America’s Emergency Motion for  
2 Injunction [ECF No. 18] (“Motion”), which Response consisted of a 45-page brief that referenced  
3 declarations and documents in two appendices of exhibits: First Appendix totaling 227 pages  
4 [ECF No. 11] and Second Appendix totaling 198 pages [ECF No. 28]. Contemporaneously with  
5 filing the Response, the Receiver filed an Unopposed Motion for Leave to File Briefs in Excess of  
6 Local Rules for Page Limitations [ECF No. 29].

7 4. Pursuant to Local Rule 7-3(b), Hofbräuhaus America’s Reply is currently limited  
8 to twelve (12) pages, exclusive of exhibits.

9 5. Hofbräuhaus America respectfully requests leave to file a Reply brief that is no  
10 longer than twenty-six (26) pages, exclusive of exhibits.

11 6. Good cause exists to exceed the page limitations for the following reasons:

12 a. The Response presents numerous factual allegations that Hofbräuhaus  
13 America is required to address in the Reply to correct misstatements. For example, the  
14 Receiver alleges in the Response that a “Milwaukee Hofbräuhaus” exists that is not  
15 required to pay royalties to Hofbräuhaus America or operate in accordance with  
16 Hofbräuhaus America’s standards for franchisees under terms and conditions of a  
17 Franchise Agreement. Another example, the Receiver challenges the validity of Oak  
18 Tree’s default for failure to pay royalties including Hofbräuhaus America’s draw upon a  
19 letter of credit. These assertions and several others are inaccurate, thus requiring  
20 Hofbräuhaus America to present additional facts and evidence in the Reply to correct the  
21 record.

22 b. The Response consists of twenty-two (22) pages of legal argument and  
23 asserts numerous legal theories. In the interest of efficiency and respect for the Court’s  
24 time and attention, Hofbräuhaus America’s Reply refers to and incorporates by reference  
25 its responses to the Receiver’s reasserted legal arguments that was previously addressed  
26 briefing on file herein. That said, the new arguments and authorities asserted in the  
27 Response require sufficient response.  
28



1 c. The complex factual and legal issues to be addressed in the Reply cannot  
2 be appropriately accomplished within the 12-page limit under LR 7-3(b).

3 7. I have conferred with counsel for the Receiver in good faith to determine whether  
4 or not they oppose the relief requested in the Motion for Leave, and counsel for the Receiver has  
5 informed me that they have no objection to the relief requested.

6 8. This motion is not brought for any improper purpose or to delay the proceedings.

7 I declare under penalty of perjury that the foregoing is true and correct.

8 Executed in Henderson, Nevada on this 13th day of May 2022.

9  
10   
11 \_\_\_\_\_  
12 ERIC D. HONE

